

REMARKS

In the Office Action sent on February 8, 2008 the Examiner rejected claims 1-3, 6-11 and 14-15 under 35 U.S.C. 103(a) as being anticipated by U.S. Patent Publication No. 2005/0055717 to Daniels in view of U.S. Patent No. 6,233,389 to Barton and rejected 4 and 12 under 35 U.S.C. 103(a) as being unpatentable over Daniels and Barton in view of U.S. Patent No. 4,675,757 to Block.

Applicant asserts that Daniels is not prior art and therefore cannot be used in making this rejection. The present application was filed on December 15, 2001. Daniels was filed in the US on October 21, 2004. This is after the filing date of the present application.

Applicant believes the Examiner is relying on the domestic priority of other Daniels applications to make it prior art to the present application. That is, Daniels is a divisional application of U.S. App. No. 10/094,167 filed on March 8, 2002 which is in turn a continuation-in-part (CIP) of U.S. App. No. 09/214,376 filed on January 6, 1999.

Applicant notes that this Daniels application is a CIP and thus probably contains new matter. Applicant further believes that this new matter includes Figs 13a-d and paragraphs 206-212 that are cited by the Examiner in support of the present rejection. Applicant believes this because WO/1998/051076 (the published application from PCT/US97/18372 from which the Daniels application also claims priority) does NOT include Figures 13a-d nor a corresponding description of those figures. Thus, the filing date for the material the Examiner relies upon to reject the present claims from Daniels appears to be around March 8, 2002, which is after the filing date of December 15, 2001.

Even if Daniels is prior art from a date perspective, it is not prior art from a technical perspective. First, Figs. 13a-13d show separate and disparate systems. That is, the one display device in Fig. 13a is NOT networked to the display device in Fig. 13(b). Thus, Daniels fails to show a single system with two reproductions devices as presently claimed.

The Examiner also relies on paragraph [0017]-[0018] and [0182]-[0184] in support of the rejection. Paragraphs [0017]-[0018] describe networks between a local DVR and either a network server or VOD server. Since a network server and a VOD server are not reproduction devices, it follows that Daniels does not teach what is suggested by the Examiner in paragraphs [0017]-[0018].

Paragraphs [0182]-[0184] describe bursty transmission of content from PPV or VOD server to a client. However, these paragraphs do not describe two reproduction devices that are networked together such that a first reproduction device in one home could influence the playback of content on a second reproduction device in a second home. Indeed, why would one of ordinary skill in the art implement a system that would allow one neighbor to control how another neighbor watches content?

The Examiner admits that Daniels fails to teach or suggest “distributing the ability to control reproduction of said selected program among the first and second reproduction devices ...” To fill this gap, the Examiner relies on column 4, lines 15-33 and column 6, lines 47+ of Barton. A review of these cited passages shows that this claim limitation is not taught therein. Column 4, lines 15-33 do describe multiple decoders. What is not described is any interoperability among these multiple decoders so that one can control the operation of another. Instead, it appears that Barton uses the multiple decoders to

output data to a single television. This is because Barton describes providing the user with picture-in-picture and this requires two decoders to forward their outputs to a single television.

Similarly, column 6, lines 47+ describe tagging certain types of data on audio for video segments. Again, this is not the same as distributing a live-pause functionality among a first and second reproduction device.

With respect to claims 3, 4, 11 and 12, the Examiner asserts that Daniels teaches a hierarchy or ranking among a plurality of reproduction devices in paragraphs [0205-0210]. First, Applicant believes this material was first put into a patent application by Daniels in 2002, after the filing date of the present application.

Second, no description of any hierarchy is done by Daniels in these paragraphs. As stated previously, Daniels does not teach or suggest two reproduction devices. Therefore, Daniels cannot teach functionality between two reproduction devices.

With respect to claims 4 and 12, both claims recite “control conflicts” among master and slave devices. Block does describe master and slave VCRs. However, the relationship between the master and slave VCRs in Block is for synchronization purposes and not control purposes. Thus, the slave VCRs in Block cannot take control such that a “control conflict” arises among the VCRs in Block.

In response, the Examiner cites to column 4, lines 13+ of Block. Applicant cannot find the phrase “control conflict,” as claimed in claims 4 and 12, but can find the word “synchronize” in that citation. Block specifically points out that one machine is designated as master and the others are then slaves by default. See column 4, lines 39-41. The master device then controls when the slave devices output certain frames. See

abstract. Since the master in Block tells the slaves when to output frames, no conflict ever arises because a slave in Block cannot tell the master when to output frames at the same time as the master is telling the slave when to output frames.

Claims not specifically mentioned above are allowable due to their dependence on an allowable base claim.

CONCLUSION

No fees beyond those for the Petition for Three (3) Month Extension of Time are due for this Amendment. However, the Office is authorized to charge any additional fees or underpayments of fees (including fees for petitions for extensions of time) under 37 C.F.R. 1.16 and 1.17 to account number 502117. Any overpayments should be credited to the same account.

Applicant requests entry of this amendment, reconsideration of the pending claims and the issuance of a Notice of Allowance. Should the Examiner have any questions, he is invited to contact Applicant's representative below.

Respectfully submitted,

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